UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/821,969	WATSON ET AL.
	Examiner	Art Unit	
	Jinhee J. Lee	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *14 February 2008 and 17 December 2007*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-7,9-19 and 21-25* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-7, 9-19, 21-25* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   Claims 13-19, 21-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 13-19, 21-25 are directed to a computer program to organize and display. In order for a claimed invention that is directed to such a computer implemented method of calculation, or a computer program to be statutory, the claimed invention must accomplish a practical application. That is the claimed invention must transform an article or physical object to a different state or thing, or produce a useful, concrete and tangible result. State Street, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02. Also see "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility", OG Notices: 22 November 2005. It is clear from claims 13-25 that the claims merely involve calculations and manipulations of data in performing computations. The claimed invention does not result in a physical transformation. The inputs are numbers and the outputs are also numbers. The result of the invention is merely numerical values without a practical application recited in the claims. It is not real world result, and thus is not useful, concrete and tangible. Therefore, the claimed invention is directed to non-statutory subject matter as the claims fail to assert a practical application to the invention.

The applicant discloses storage media to include ROM or RAM which is not a physical device.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned t the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5.   Claims 1-5, 9-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reponen (20030197740) in view of an embodiment of paragraph 0024 of Reponen (20030197740).

Re claim 1, Reponen substantially discloses a method comprising:

displaying a plurality of three-dimensional items on the display (see paragraph 0030 and figure 4 for example), each three-dimensional item representing user

information (level of option, see abstract for example), wherein the three-dimensional

items are arranged around a perimeter of a given geometric shape (see figure 4 for

example) forming a portion of a closed area such that the three-dimensional items are

positioned along the perimeter and are capable of being rotated around the perimeter

(see paragraph 0024, can rotate for example), and wherein the three-dimensional items

include a focus item (desired icon is indicated, see paragraph 0024 for example) and

one or more additional items (see figure 4 for example); and

based on the item selection signal, rotating the three-dimensional items around

the perimeter causing the selected item be displayed as a new focus item (see

paragraph 0024 for example).

Reponen does not explicitly disclose receiving an item selection signal

indicative of a user selection of a selected item from the one or more additional items by

a user positioning a cursor over the selected item using the pointing device. However,

Reponen teaches that "icon may be indicated by selection frame, such as a cursor" (see

paragraph 0024). It would have been obvious to one having ordinary skill in the art at

the time the invention was made to receive an item selection signal indicative of a user

selection of a selected item from the one or more additional items by a user positioning

a cursor as taught by this embodiment of paragraph 0024 with the rotating method of

Reponen in order to have flexibility in choosing the selected item.

Re claim 2, note that Reponen discloses a method, wherein the one or more

additional items include a peripheral item (unnumbered next to 50 for example) adjacent

the focus item (see figure 4 for example).

Re claim 3, note that Reponen discloses a method, further comprising arranging at least one background item (80 for example) adjacent the peripheral item (see figure 4 for example).

Re claim 4, note that Reponen discloses a method, wherein arranging the three-dimensional items along a perimeter comprises arranging the three-dimensional items along an arc of an ellipse (see figure 4 for example).

Re claim 5, note that Reponen discloses a method, wherein arranging the three-dimensional items along a perimeter comprises arranging the three-dimensional items along an arc of a circle (see figure 4 for example).

Re claim 9, note that Reponen discloses wherein the selected item comprises a peripheral item adjacent to the focus item, and wherein rotating the three-dimentional items includes rotating the focus item to a peripheral position thereby causing the focus item to become a new peripheral item and the peripheral item to a focus position thereby causing the peripheral item to become a new focus item (see figures 4 and paragraph 0024 for example).

Re claim 10, note that Reponen discloses a method, further comprising displaying metadata relevant to the focus item (see paragraph 0030, words that explain the icon option for example).

Re claim 12, note that Reponen discloses a computer readable medium storing executable instructions for performing the method.

6.   Claims 6, 7, 13-19, 21-25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Reponen in view of an embodiment of paragraph 0024 of Reponen,

further in view of MacPhail (6661434).

Re claim 6, Reponen/Reponen substantially discloses a method as set forth in

claim 1 above (see figures 2, 11A and column 6 lines 35-45 for example). Reponen

does not explicitly disclose a method, further comprising scaling the focus item to a first

set width and scaling at least one of the additional items to a second set width, wherein

the first set width is greater than the second set width. However, MacPhail teaches

scaling each peripheral item to different size (icon size increased/decreased, see

column 9 lines 51052 for example). It would have been obvious to one having ordinary

skill in the art at the time the invention was made to use the method further comprising

scaling the focus item to a first set width and scaling at least one of the additional items

to a second set width, wherein the first set width is greater than the second set width by

using the method of using increased or decreased sizing as taught by MacPhail on the

method of Reponen/Reponen in order to show different priorities of the icons.

Re claim 7, Reponen/Reponen substantially discloses a method as set forth in

claim 3 above. Reponen does not explicitly disclose a method, further comprising

scaling the focus item to a first set width, scaling the peripheral item to a second set

width, and scaling each background item to a third set width, wherein the first set width

is greater than the second set width and the second set width is greater than the third

set width. However, MacPhail teaches scaling each peripheral item to different size

(icon size increased/decreased, see column 9 lines 51052 for example). It would have

been obvious to one having ordinary skill in the art at the time the invention was made
to use the method further comprising scaling the focus item to a first set width, scaling
the peripheral item to a second set width, and scaling each background item to a third
set width, wherein the first set width is greater than the second set width and the second
set width is greater than the third set width by using the method of using increased or
decreased sizing as taught by MacPhail on the method of Reponen/Reponen in order to
show different priorities of the icons.

Re claim 13, Reponen substantially discloses a computerized system
comprising:

item controls for displaying a plurality of three-dimensional items (see
paragraph 0030 and figure 4 for example), each three-dimensional item providing
access to information, wherein the plurality of three-dimensional items include a focus
item and one or more additional items;

orientation controls for arranging the three-dimensional items around a
perimeter of a given geometric shape that forms a portion of a closed area (see figures
1 and 4 for example), the three-dimensional item being positioned along the perimeter
and capable of being rotated around the perimeter (see paragraph 0024 for example);

and a rotation control module for rotating the three-dimensional items around
the perimeter upon receiving an item selection signal indicative of a user selection of a
selected item from the one or more additional items by a user positioning a cursor over
the selected item using a pointing device, wherein the selected item becomes a new
focus item.

. Reponen does not explicitly disclose scalability controls for scaling the focus

item to have a first set width and at least one of the additional items to have a second

set width smaller than the first set width; and a user selection of a selected item from

the one or more additional items by a user positioning a cursor over the selected item

using a pointing device.

However, Reponen teaches that "icon may be indicated by selection frame,

such as a cursor" (see paragraph 0024). It would have been obvious to one having

ordinary skill in the art at the time the invention was made to a user selection of a

selected item from the one or more additional items by a user positioning a cursor over

the selected item using a pointing device as taught by this embodiment of paragraph

0024 with the rotating method of Reponen in order to have flexibility in choosing the

selected item.

Furthermore, MacPhail teaches scaling each peripheral item to different size

(icon size increased/decreased, see column 9 lines 51052 for example). It would have

been obvious to one having ordinary skill in the art at the time the invention was made

to use scalability controls for scaling the focus item to have a first set width and at least

one of the additional items to have a second set width smaller than the first set width by

using the system of using increased or decreased sizing as taught by MacPhail on the

system of Reponen/Reponen in order to show different priorities of the icons.

Re claim 14, note that Reponen discloses a system, wherein the item controls

position a first peripheral item adjacent the focus item on a first side and a second

peripheral item adjacent the focus item on a second side (see figure 4 for example).

Re claim 15, note that Reponen discloses a system, wherein the item controls arrange at least one background item adjacent to at least one of the first and second peripheral items (see figure 4 for example).

Re claim 16, note that Reponen discloses a system, wherein the perimeter comprises an elliptical arc (see figure 4 for example).

Re claim 17, note that Reponen discloses a system, wherein the perimeter comprises a circular arc (see figure 4 for example).

Re claim 18, note that MacPhail teaches of a system, wherein the scalability controls further comprise means for scaling the focus item to the first set width and scaling each peripheral item to the second set width, wherein the first set width is greater than the second set width (see icon size can be increased/decreased, see column 9 lines 51-52 for example).

Re claim 19, note that MacPhail teaches of a system, wherein the scalability controls further comprise means for scaling the focus item to the first set width, scaling each peripheral item to the second set width, and scaling each background item to a third set width, wherein the first set width is greater than the second set width and the second set width is greater than the third set width (see icon size can be increased/decreased, see column 9 lines 51-52 for example).

Re claim 21, note that Reponen discloses wherein the selected item comprises the first peripheral item, and the rotation control module rotates the focus item to a peripheral position thereby causing the focus item to become a new peripheral item and

the first peripheral item to a focus position thereby causing the first peripheral item to

become a new focus item (see figure 4 and paragraph 0024for example).

Re claim 22, note that Reponen discloses a system, further comprising

information display controls for displaying metadata relevant to the focus item (see

paragraph 0030 for example).

Re claim 23, note that Reponen discloses a system, further comprising view

change controls for altering an appearance of an item upon a change in item status (see

paragraph 0030 for example).

Re claim 24, note that MacPhail teaches of a system, wherein the perimeter

comprises a triangular border (see figure 4 and column 9 lines 25-26 for example).

Re claim 25, note that MacPhail teaches of a system, wherein the perimeter

comprises a rectangular border (see figure 4 and column 9 lines 25-26 for example).

7.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Reponen in view of an embodiment of paragraph 0024 of Reponen, further in view of

Beier et al. (20030227453).

Re claim 11, Reponen substantially discloses a method as set forth in claim 8

above (see figures 2, 11A and column 6 lines 35-45 for example). Reponen does not

explicitly disclose a method, wherein rotating the three-dimensional items comprises, for

each three-dimensional item, computing a starting point angle, computing an ending

point angle, and interpolating between the computed angles. However, Beier et al.

teaches of wherein rotating the items comprises computing a starting point angle,

computing an ending point angle, and interpolating between the computed angles (see

paragraph 0085 for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the method, wherein rotating the three-dimensional items comprises, for each three-dimensional item, computing a starting point angle, computing an ending point angle, and interpolating between the computed angles as taught by Beier et al. on the method of Reponen/Reponen in order to display changes in position.

Response to Arguments

8.   Applicant's arguments with respect to claims 1-7, 9-19, 21-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M-F at 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-2100 ext. 75. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jinhee J Lee/
Primary Examiner, Art Unit 2174

jjl